IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.9708 OF 2004

Shri.Rajendraprasad
Kanhaiyalal Yadav ...Petitioner

Vs.

Shri.Narayan Narsayya Sangam
and Anr. ...Respondents

...

Mr.M.B.Kotak for Petitioner

...

CORAM : B.H.MARLAPALLE,J.

DATE : APRIL 8,2005

P.C.:

1. Heard Mr.Kotak, the learned counsel for the Petitioner. Respondent No.1 owns an autoricksha and during the particular shift hours the same rickshaw used to be driven by the present Petitioner. While driving the said rickshaw, he met with an accident and was hospitalised for about three weeks. It is well known that the rickshaws are hired on an hourly basis or shift basis by such drivers from the respective owners. Notwithstanding with this, the Petitioner approached the Labour Court and the Commissioner for Workmen's compensation and filed claim for compensation under the Workmen's Compensation Act, 1923. He thus, claimed Respondent

No.1 to be his employer and Respondent No.2 had obviously insured the autorickshaw. In the said Claim Petition No. 550/C/120/1994 an application at Exh. 15 came to be filed for leave to examine Mr.Subhash Singh as the witness to establish the employer-employee relationship. The said application has been rejected by the impugned order dated 21.8.2004.

2. The reasoning given by the learned Commissioner for Workmen's Compensation while rejecting the application, cannot be termed as perverse or erroneous to call for interference in this petition under Article 227 of the Constitution of India.

3. The petition is rejected summarily.

[B.H.MARLAPALLE,J.]